

REMARKS

The present amendment is submitted in response to the Office Action dated June 18, 2007, which set a three-month period for response. Filed herewith is a Request for a One-month Extension of Time, making this amendment due by October 18, 2007.

Claims 1-4 and 7-10 are pending in this application.

In the Office Action, claims 2-6 and 7-9 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The disclosure was objected to for an informality. Claims 1-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent 197 43 492 ("DE '492") in view of DE 100 44 741 ("DE '741") and U.S. Patent No. 5,809,973 to Iida.

First, it is noted that the Examiner has stricken out from the Information Disclosure Statement a reference to a U.S. Patent Publication. However, as noted in Section 609 of the MPEP, which quotes 37 CFR 1.98, an Applicant is not required to submit a copy of either a U.S. Letters Patent or a U.S. Patent Publication.

In the present amendment, claim 1 has been amended to more clearly define the present invention over the cited references by adding the features of claims 5 and 6, which were canceled. Specifically, claim 1 as amended now defines that "*two further output signals (P1S2, P2S2) are generated, which have successive zero and one signals with predetermined durations, wherein an AND-operator of the two further output signals characterizes a time range or angle*

range in which a direct start is possible, and wherein an EXOR-operation of the zero and one signals designates a time range or angle range in which a direct start is possible only under certain peripheral conditions".

Amended claim 1 therefore now not only defines the cylinder which actually is in its working position, but also defines whether a so-called direct start is possible without additional actions or only under specific conditions.

None of the cited references provides any disclosure regarding whether a direct start is possible or not. Consequently, at least the two further output signals P1S2, P2S2, their combinations, and the definitions resulting from these combinations are not rendered obvious over the cited references. When establishing obviousness under Section 103, it is not pertinent whether the prior art device possess the functional characteristics of the claimed invention, if the reference does not describe or suggest its structure. *In re Mills*, 16 USPQ 2d 1430, 1432-33 (Fed. Cir. 1990).

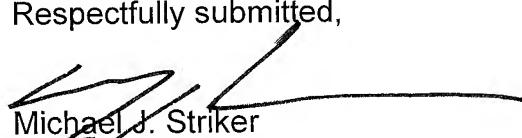
Also in this amendment, the specification was amended to add standard headings and to delete references to the claims.

Claims 2 and 4 were amended to address the rejection under Section 112, second paragraph. With regard to claim 4, the second limitation following "or" was deleted and is now recited in new claim 10.

Regarding the rejection of claims 7 and 9 under Section 112, second paragraph, each of these claims has been amended to include the limitations of claim 1 and 8, respectively.

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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